

## SEVENTY-FIRST DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, April 6, 1883. }

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

On motion of Senator Kleberg, the reading of yesterday's journal was dispensed with, and the same adopted.

Senator Kleberg presented a memorial of the Board of Veterans, asking appropriation for their services.

Referred to the Committee on Finance.

Senator Traylor, acting chairman of Committee on Stock and Stock-raising, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, April 6, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Stock and Stockraising, to whom was referred House bill No. 158, entitled "An act to amend article 69, chapter 3, title 17, of the Penal Code of the State of Texas, as amended by an act of the Legislature, approved April 4, 1881, entitled 'an act to amend article 690, chapter 3, of the Penal Code of the State of Texas,' passed on the twenty-first day of February," have carefully examined the same, and a majority of your committee instruct me to report the same back with the recommendation that it do not pass, for the reason that the law we now have upon the herding of stock upon the land of others is sufficient, and better than the proposed change.

All of which is respectfully submitted.

TRAYLOR, Acting Chairman.

Bill read first time.

Senator Gibbs, acting chairman of Committee on State Affairs, offered the following report:

COMMITTEE ROOM,  
AUSTIN, April 5, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 333, together with the message of the Governor vetoing the same, have carefully examined the bill and considered the reasons assigned for the veto, and beg leave to report:

1. That the general law, title 15, Revised Statutes, provides that after the United States government has acquired title to property for the specified purposes and the deed has been recorded, that the Governor may cede the necessary jurisdiction. On the other hand, the United States statutes making the appropriation for the purpose of erecting the building in the city of Dallas, provides that the appropriation shall not be available until the State cedes the jurisdiction, in that act required, which is the same jurisdiction ceded by our general laws, and provided for in the bill under consideration.

While this is more a technical than a substantial conflict, yet it might be sufficient to induce the department to withhold the appropriation.

Another reason assigned by his Excellency for the veto is, that the act is objectionable under the latter part of section 56, article 3, of the Constitution, which reads as follows: "And in all cases where general law can be made applicable no local or special law shall be enacted."

We most respectfully submit that unless the various United States statutes making appropriations of this character should be uniform in their requirements, that no general law could be made applicable in all cases, as is illustrated in the present conflicting specific requirements of the two statutes.

2. The jurisdiction ceded by the pending bill is the same ceded by the general law and ordinarily ceded, and is in manner and form as required by the United States statute making the appropriation.

In an abundance of caution, in order that there may be no possibility of the appropriation being withheld, we recommend that the bill be passed, notwithstanding the veto.

All of which is respectfully submitted.

GIBBS, for Committee.

Senator Martin, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, April 6, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and

and compared Senate joint resolution No. 39, "Amending section 20, of article 16, of the Constitution of the State," and find the same correctly engrossed.

MARTIN, Chairman.

Senator Davis introduced a bill entitled "An act to amend article 1005 of the Revised Statutes of Texas."

Referred to Judiciary Committee No. 1.

Senator Shannon offered the following resolution:

*Resolved by the Senate, the House of Representatives concurring,* That the Eighteenth Legislature adjourn, "without day," at 10 o'clock a. m., on Friday, the thirteenth day of April, A. D. 1883.

Senator Matlock offered the following substitute for Senator Shannon's resolution:

*Be it resolved by the Senate, the House of Representatives concurring,* That the Eighteenth Legislature stand adjourned, sine die, at 10 o'clock a. m., Thursday, April 12, 1883.

Senator Davis moved the previous question on the resolution and substitute.

Motion lost.

Senator Davis moved the previous question on Senator Matlock's substitute.

Motion seconded and main question ordered.

Substitute lost by the following vote:

YEAS—5.

Davis,  
Evans,

Getzendaner,  
Matlock,

Traylor.

NAYS—16.

Buchanan,  
Chesley,  
Farrar,  
Fowler,  
Gibbs,  
Gooch,

Harris,  
Johnson of Collin,  
Johnston of Shelby,  
Jones,  
Martin,

Peacock,  
Perry,  
Pfeuffer,  
Shannon,  
Stratton.

Senator Shannon's resolution was adopted.

The following message was received from the House:

HALL OF HOUSE OF REPRESENTATIVES,  
AUSTIN, April 6, 1883.

Mr. President:

I am instructed to inform your honorable body that the House has adopted, by the requisite majority, the report of the free conference committee on House joint resolutions Nos. 4, 10, 11 and 13, amending the Constitution, by a vote of ayes 84, nays 5.

Also, that the House has concurred in Senate amendments to House joint resolutions Nos. 6, 8 and 27, the same amending the Constitution by a vote of ayes 74, nays 13.

Respectfully,

J. W. BOOTH,  
Chief Clerk.

On motion of Senator Jones, Senators Fleming and Pope were excused for to-day.

Senator Patton, chairman of Committee on State Affairs, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, April 4, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on State Affairs, to whom was referred substitute House bill No. 469, entitled "An act to enlarge the duties of the Attorney General of the State of Texas, and to conform the duties of county and district attorneys thereto," have duly examined the same, and instruct me to report the same back with the recommendation that it do not pass, for the reason that said bill proposes to divest the county and district attorneys of certain powers deposited with said officers in the Constitution of the State, article 5, section 21, as construed by Stayton (justice) in case of State of Texas vs. E. T. Moore,

All of which is respectfully submitted.

PATTON, Chairman.

Bill read first time.

Senator Harris moved to suspend regular order and take up Senate bill No. 323, "An act to redistrict the State into judicial districts, and prescribe the time of holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election,

to be held on the first Tuesday in November, A. D. 1884," for the purpose of considering the House amendments.

Adopted, and bill, with House amendments, was taken up.

On motion of Senator Harris, the Senate concurred in the House amendments to said bill.

Senator Johnston of Collin moved to suspend the regular order of business and take up House bill No. 528, "An act to make null and void all sales of lands illegally and fraudulently made under 'an act to provide for the sale of the alternate sections of land in organized counties, as surveyed by railroad companies and other works of internal improvement and set apart for the benefit of the common school fund,' approved July 8, 1879, and an act amendatory thereof, approved April 6, 1881."

Adopted.

Bill taken up and read second time, with committee substitute.

Senator Farrar moved the adoption of the committee substitute.

Senator Matlock moved a call of the Senate.

Call sustained.

Roll called.

Absent, Senators Collins, King and Randolph.

Senator Chesley moved to excuse Senators Collins, King and Randolph.

Adopted by the following vote:

| YEAS—23.     |                     |           |
|--------------|---------------------|-----------|
| Buchanan,    | Gibbs,              | Peacock,  |
| Chesley,     | Gooch,              | Perry,    |
| Cooper,      | Harris,             | Pfeuffer, |
| Davis,       | Johnson of Collin,  | Shannon,  |
| Farrar,      | Johnston of Shelby, | Stratton, |
| Fleming,     | Jones,              | Terrell,  |
| Fowler,      | Kleberg,            | Traylor,  |
| Getzendaner, | Martin,             |           |
| NAYS—4.      |                     |           |
| Evans,       | Matlock,            | Patton.   |
| Houston,     |                     |           |

(Senator Buchanan in the Chair.)

Bill discussed.

(The President in the chair.)

The President gave notice of signing House joint resolutions Nos. 6, 8 and 27, "To amend section 9, article 8 of the Constitution of the State of Texas."

Also, substitute House joint resolutions Nos. 4, 10, 11 and 13, "To amend section 3, article 7, of the Constitution of State of Texas."

On motion of Senator Pope, the Senate adjourned until 8 o'clock this afternoon.

#### AFTERNOON SESSION.

The Senate met pursuant to adjournment.

President in the chair.

Roll called. Quorum present.

The President referred substitute House bill No. 126, "An act to amend article 4684, of title 95, chapter 2, of the Revised Civil Statutes, providing for the manner of assessing bankers, brokers, dealers in exchange," etc., to Committee on Finance.

Also, substitute House bill No. 352, "An act to establish a county brand for the several counties in this State, and to provide for the advertising of all estrays branded with the county brand in the counties to which the county brand may belong," to Committee on Stock and Stockraising.

On motion of Senator Davis, it was ordered that the Senate go into executive session to-morrow morning after the morning call.

The following message was received from the House:

HALL HOUSE OF REPRESENTATIVES,  
AUSTIN, April 6, 1883.

Mr. President:

I am instructed to inform your honorable body that the House has acceded to the request of the Senate for the appointment of a conference committee on the general appropriation bill, and that the following members have been appointed on said committee on the part of the House, viz: Messrs. Upton, Frymier, Cochran, Ayres and Acker.

Respectfully,

J. W. BOOTH,  
Chief Clerk.

The unfinished business of this morning's session, being substitute House bill No. 528, for investigating land frauds, was taken up.

The committee substitute was adopted by the following vote:

| YEAS—15.     |                     |           |
|--------------|---------------------|-----------|
| Chesley,     | Harris,             | Perry,    |
| Farrar,      | Johnson of Collin,  | Pfeuffer, |
| Fowler,      | Kleberg,            | Stratton, |
| Getzendaner, | Patton,             | Terrell,  |
| Gibbs,       | Peacock,            | Traylor.  |
| NAYS—11.     |                     |           |
| Cooper,      | Gooch,              | Matlock,  |
| Davis,       | Houston,            | Pope,     |
| Evans,       | Johnston of Shelby, | Shannon.  |
| Fleming,     | Martin,             |           |

Senators Jones and Buchanan were paired on the above vote. The former would have voted "no," and the latter "aye."

Senator Terrell assigns the following reasons for his vote as recorded above:

Before voting I wish to state that I applied to a surveyor of a frontier county to purchase three sections of land, last spring, two within five miles of the geographical centre of the county and one further off. Afterwards I requested a friend to purchase for me one more section (perhaps two, I state from memory), which he conveyed to me. Thus my purchases amounted to less than seven sections, which amount the law allowed me to buy. I do not think I am interested in the question pending, and vote "aye," for if the school fund has been injured by that purchase of one section through a friend, I desire to repair that injury. If there has been fraud, no matter where, I will vote for its investigation.

TERRELL.

Senator Traylor offered the following amendment:

In section 6, strike out "Travis county at the seat of government," and insert in lieu thereof "The county where the land is situated, or to which the county in which it is situated is attached for judicial purposes."

Senator Davis offered the following substitute for pending amendment:

In section 6, page 3, strike out "Travis county" and insert "in the county in which the lands are situated, or in which one or more of the defendants reside."

Lost by the following vote:

| YEAS—12.     |                     |           |
|--------------|---------------------|-----------|
| Davis,       | Houston,            | Matlock,  |
| Evans,       | Johnston of Shelby, | Pope,     |
| Fleming,     | Jones,              | Shannon,  |
| Gooch,       | Martin,             | Stratton. |
| NAYS—15.     |                     |           |
| Chesley,     | Gibbs,              | Peacock,  |
| Cooper,      | Harris,             | Perry,    |
| Farrar,      | Johnson of Collin,  | Pfeuffer, |
| Fowler,      | Kleberg,            | Terrell,  |
| Getzendaner, | Patton,             | Traylor.  |

Senator Traylor's amendment was adopted by the following vote:

| YEAS—15. |                     |          |
|----------|---------------------|----------|
| Cooper,  | Houston,            | Martin,  |
| Davis,   | Johnson of Collin,  | Matlock, |
| Evans,   | Johnston of Shelby, | Pope,    |
| Fleming, | Jones,              | Shannon, |
| Gooch,   | Kleberg,            | Traylor. |

## NAYS—11.

|              |          |           |
|--------------|----------|-----------|
| Chesley,     | Gibbs,   | Perry,    |
| Farrar,      | Harris,  | Pfeuffer, |
| Fowler,      | Patton,  | Terrell.  |
| Getzendaner, | Peacock, |           |

Senator Getzendaner offered the following amendment:  
Amend line 12, page 3, by inserting after the word  
"made" the words, "prior to February 3, 1883."  
Adopted.

Senator Houston offered the following amendment:  
Amend by adding to the bill an additional section, to  
read as follows:

SEC. — The sum of \$20,000 is hereby appropriated to pay extra  
attorneys fees, to prosecute suits in behalf of the State against citi-  
zens who have purchased lands from the State.

Lost by the following vote:

## YEAS—8.

|          |                     |          |
|----------|---------------------|----------|
| Cooper,  | Houston,            | Matlock, |
| Davis,   | Johnston of Shelby, | Terrell. |
| Fleming, | Jones,              |          |

## NAYS—18.

|              |                    |           |
|--------------|--------------------|-----------|
| Chesley,     | Harris,            | Perry,    |
| Farrar,      | Johnson of Collin, | Pfeuffer, |
| Fowler,      | Kleberg,           | Pope,     |
| Getzendaner, | Martin,            | Shannon,  |
| Gibbs,       | Patton,            | Stratton, |
| Gooch,       | Peacock,           | Traylor.  |

Senator Patton moved to reconsider the vote by which  
Senator Houston's amendment was lost.

The Senate refused to reconsider by the following vote:

## YEAS—13.

|          |                     |           |
|----------|---------------------|-----------|
| Chesley, | Johnston of Shelby, | Peacock,  |
| Cooper,  | Jones,              | Shannon,  |
| Davis,   | Matlock,            | Stratton, |
| Fleming, | Patton,             | Terrell.  |
| Houston, |                     |           |

## NAYS—14.

|              |                    |           |
|--------------|--------------------|-----------|
| Evans,       | Gooch,             | Perry,    |
| Farrar,      | Harris,            | Pfeuffer, |
| Fowler,      | Johnson of Collin, | Pope,     |
| Getzendaner, | Kleberg,           | Traylor.  |
| Gibbs,       | Martin,            |           |

Senator Matlock offered the following amendment:

Add to section 3:

"And said board shall further investigate the history of the ap-  
praisalment of the school lands situated in Haskell county, and their  
approval by the Commissioner of the General Land Office, and the  
manner in which the surveyor of said county was notified of such  
approval, and the manner in which the books of the surveyor of  
said county are reported to have been opened in the city of Austin  
for the purpose of permitting parties to file on the same, and who  
filed on said land before the notice of such approval was sent to the  
surveyor of said county, as the law requires. And said board shall  
further investigate the General Land Office for the purpose of de-  
termining how many clerks and what officers in said office have,  
within the past two years, filed upon school lands, and under whose  
advice and permission they made such files."

Senator Davis offered the following substitute for pend-  
ing amendment:

Add as follows: "And said board shall cause suit to be  
brought against all persons purchasing school lands in vio-  
lation of section 18, article 3, of the Constitution."

Senator Harris moved that the amendment and substi-  
tute be laid on the table.

Senator Gooch called for a division on the question.

Senator Davis' substitute was ordered to lie on the table  
by the following vote:

## YEAS—16.

|              |                    |           |
|--------------|--------------------|-----------|
| Buchanan,    | Gooch,             | Patton,   |
| Chesley,     | Harris,            | Peacock,  |
| Farrar,      | Johnson of Collin, | Perry,    |
| Fowler,      | Kleberg,           | Pfeuffer, |
| Getzendaner, | Martin,            | Stratton. |
| Gibbs,       |                    |           |

## NAYS—9.

|          |                     |          |
|----------|---------------------|----------|
| Davis,   | Johnston of Shelby, | Pope,    |
| Fleming, | Jones,              | Shannon, |
| Houston, | Matlock,            | Traylor. |

The Senate refused to table Senator Matlock's amend-  
ment by the following vote:

## YEAS—7.

|          |              |         |
|----------|--------------|---------|
| Chesley, | Getzendaner, | Harris, |
| Cooper,  | Gibbs,       | Patton. |
| Farrar,  |              |         |

## NAYS—21.

|           |                     |           |
|-----------|---------------------|-----------|
| Buchanan, | Johnson of Collin,  | Perry,    |
| Davis,    | Johnston of Shelby, | Pfeuffer, |
| Evans,    | Jones,              | Pope,     |
| Fleming,  | Kleberg,            | Shannon,  |
| Fowler,   | Martin,             | Stratton, |
| Gooch,    | Matlock,            | Terrell,  |
| Houston,  | Peacock,            | Traylor.  |

Amendment of Senator Matlock adopted by the follow-  
ing vote:

## YEAS—21.

|           |                     |           |
|-----------|---------------------|-----------|
| Buchanan, | Houston,            | Peacock,  |
| Chesley,  | Johnson of Collin,  | Perry,    |
| Davis,    | Johnston of Shelby, | Pfeuffer, |
| Evans,    | Jones,              | Pope,     |
| Fleming,  | Kleberg,            | Shannon,  |
| Fowler,   | Martin,             | Terrell,  |
| Gooch,    | Matlock,            | Traylor.  |

## NAYS—7.

|              |         |           |
|--------------|---------|-----------|
| Cooper,      | Gibbs,  | Patton,   |
| Farrar,      | Harris, | Stratton. |
| Getzendaner, |         |           |

Senator Jones offered the following amendment:

Amend by adding an additional section, as follows:  
"There is hereby appropriated the sum of twenty-five  
thousand dollars to pay purchasers who may lose their  
lands."

Senator Harris moved the previous question on the  
amendment, substitute, and engrossment of the bill.

Motion seconded.

Senate refused to order the main question by the follow-  
ing vote:

## YEAS—13.

|              |                    |           |
|--------------|--------------------|-----------|
| Buchanan,    | Harris,            | Perry,    |
| Chesley,     | Johnson of Collin, | Pfeuffer, |
| Farrar,      | Kleberg,           | Stratton, |
| Getzendaner, | Peacock,           | Terrell.  |
| Gibbs,       |                    |           |

## NAYS—15.

|          |                     |          |
|----------|---------------------|----------|
| Cooper,  | Gooch,              | Matlock, |
| Davis,   | Houston,            | Patton,  |
| Evans,   | Johnston of Shelby, | Pope,    |
| Fleming, | Jones,              | Shannon, |
| Fowler,  | Martin,             | Traylor. |

Senator Davis offered the following amendment to Sena-  
tor Jones' amendment:

Strike out "\$25,000" and insert "\$100,000."

Accepted.

Senator Matlock offered the following amendment to  
Senator Jones' amendment:

Amend the amendment by inserting "\$500,000."

Senator Matlock's amendment was lost by the following  
vote:

## YEAS—2.

|        |          |
|--------|----------|
| Davis, | Matlock. |
|--------|----------|

## NAYS—26.

|              |                     |           |
|--------------|---------------------|-----------|
| Buchanan,    | Gooch,              | Peacock,  |
| Chesley,     | Harris,             | Perry,    |
| Cooper,      | Houston,            | Pfeuffer, |
| Evans,       | Johnson of Collin,  | Pope,     |
| Farrar,      | Johnston of Shelby, | Shannon,  |
| Fleming,     | Jones,              | Stratton, |
| Fowler,      | Kleberg,            | Terrell.  |
| Getzendaner, | Martin,             | Traylor.  |
| Gibbs,       | Patton,             |           |

Senator Pope offered the following substitute for Senator Jones' amendment:

Amend by adding: "It shall be the duty of said board to ascertain as near as possible and report to the next Legislature the amount of money that purchasers of land have paid to the State, and who lose said lands."

Senator Gooch moved the previous question on amendment and substitute.

Motion seconded, and main question ordered.

Senator Pope's substitute was lost by the following vote:

## YEAS—13.

|                    |                     |           |
|--------------------|---------------------|-----------|
| Buchanan,          | Johnston of Shelby, | Perry,    |
| Evans,             | Jones,              | Pfeuffer, |
| Fleming,           | Martin,             | Pope,     |
| Gibbs,             | Matlock,            | Shannon.  |
| Johnson of Collin, |                     |           |

## NAYS—15.

|          |              |           |
|----------|--------------|-----------|
| Chesley, | Getzendaner, | Patton,   |
| Cooper,  | Gooch,       | Peacock,  |
| Davis,   | Harris,      | Stratton, |
| Farrar,  | Houston,     | Terrell,  |
| Fowler,  | Kleberg,     | Taylor.   |

Senator Jones' amendment was lost by the following vote:

## YEAS—6.

|        |          |          |
|--------|----------|----------|
| Davis, | Houston, | Matlock, |
| Evans, | Jones,   | Taylor.  |

## NAYS—22.

|              |                     |           |
|--------------|---------------------|-----------|
| Buchanan,    | Gooch,              | Peacock,  |
| Chesley,     | Harris,             | Perry,    |
| Cooper,      | Johnson of Collin,  | Pfeuffer, |
| Farrar,      | Johnston of Shelby, | Pope,     |
| Fleming,     | Kleberg,            | Shannon.  |
| Fowler,      | Martin,             | Stratton, |
| Getzendaner, | Patton,             | Terrell,  |
| Gibbs,       |                     |           |

Senator Gooch offered the following amendment:

Add to section 1 the following proviso:

*Provided*, That suits shall not be brought to cancel sales, on the sole ground that more than seven sections of land have been acquired by or for one person, where the law has in other respects been complied with.

Senator Gooch's amendment adopted by the following vote:

## YEAS—14.

|          |                     |          |
|----------|---------------------|----------|
| Cooper,  | Johnson of Collin,  | Patton,  |
| Evans,   | Johnston of Shelby, | Pope,    |
| Fleming, | Jones,              | Shannon, |
| Gooch,   | Martin,             | Taylor.  |
| Houston, | Matlock,            |          |

## NAYS—13.

|           |              |           |
|-----------|--------------|-----------|
| Buchanan, | Getzendaner, | Peacock,  |
| Chesley,  | Gibbs,       | Perry,    |
| Davis,    | Harris,      | Stratton, |
| Farrar,   | Kleberg,     | Terrell.  |
| Fowler,   |              |           |

Senator Houston offered the following amendment:

Amend by adding an additional section, as follows:

SEC. —. Should any purchaser of such lands become satisfied after an investigation, that he has been defrauded by the State, and be dissatisfied with the trade he has made, he shall have the privilege of bringing suit against the State for the purpose of setting aside the purchase.

Senator Chesley moved the previous question on amendment and engrossment of bill.

Motion seconded.

Senator Houston moved a call of the Senate.

Call seconded.

Roll called.

Senate full, and main question ordered by the following vote:

## YEAS—19.

|              |                    |           |
|--------------|--------------------|-----------|
| Buchanan,    | Harris,            | Perry,    |
| Chesley,     | Johnson of Collin, | Pfeuffer, |
| Farrar,      | Jones,             | Pope,     |
| Fowler,      | Kleberg,           | Stratton, |
| Getzendaner, | Patton,            | Terrell,  |
| Gibbs,       | Peacock,           | Taylor.   |
| Gooch,       |                    |           |

## NAYS—9.

|         |                     |          |
|---------|---------------------|----------|
| Cooper, | Fleming,            | Martin,  |
| Davis,  | Houston,            | Matlock, |
| Evans,  | Johnston of Shelby, | Shannon. |

Senator Houston's amendment was lost by the following vote:

## YEAS—1.

Matlock.

## NAYS—25.

|              |                     |           |
|--------------|---------------------|-----------|
| Buchanan,    | Gibbs,              | Patton,   |
| Chesley,     | Gooch,              | Peacock,  |
| Cooper,      | Harris,             | Perry,    |
| Davis,       | Houston,            | Pfeuffer, |
| Evans,       | Johnson of Collin,  | Pope,     |
| Farrar,      | Johnston of Shelby, | Shannon,  |
| Fleming,     | Jones,              | Stratton, |
| Fowler,      | Kleberg,            | Terrell,  |
| Getzendaner, | Martin,             | Taylor.   |

Bill ordered engrossed by the following vote:

## YEAS—21.

|              |                    |           |
|--------------|--------------------|-----------|
| Buchanan,    | Gibbs,             | Peacock,  |
| Chesley,     | Gooch,             | Perry,    |
| Evans,       | Harris,            | Pfeuffer, |
| Farrar,      | Johnson of Collin, | Pope,     |
| Fleming,     | Jones,             | Stratton, |
| Fowler,      | Kleberg,           | Terrell,  |
| Getzendaner, | Patton,            | Taylor.   |

## NAYS—7.

|          |                     |          |
|----------|---------------------|----------|
| Cooper,  | Johnston of Shelby, | Matlock, |
| Davis,   | Martin,             | Shannon. |
| Houston, |                     |          |

Senator Terrell moved to reconsider the vote just taken, and moved to lay that motion on the table.

Adopted by the following vote:

## YEAS—23.

|              |                    |           |
|--------------|--------------------|-----------|
| Buchanan,    | Gibbs,             | Martin,   |
| Chesley,     | Gooch,             | Matlock,  |
| Davis,       | Harris,            | Perry,    |
| Evans,       | Houston,           | Pfeuffer, |
| Farrar,      | Johnson of Collin, | Stratton, |
| Fleming,     | Jones,             | Terrell,  |
| Fowler,      | Kleberg,           | Taylor.   |
| Getzendaner, |                    |           |

## NAYS—5.

|                     |          |          |
|---------------------|----------|----------|
| Johnston of Shelby, | Peacock, | Shannon. |
| Patton,             | Pope,    |          |

Senator Stratton moved to suspend the regular order of business and take up House bill No. 543, "An act authorizing cities on the coast of Texas, having a population of over twenty thousand inhabitants, to issue bonds for harbor improvements, and to levy a tax to pay for the same."

Adopted.

Bill taken up and read second time, with committee amendments.

Committee amendments adopted.

Senator Stratton moved to suspend the constitutional rule, and place the bill on its third reading.

Adopted by the following vote:

## YEAS—25.

|           |              |          |
|-----------|--------------|----------|
| Buchanan, | Farrar,      | Gooch,   |
| Chesley,  | Fleming,     | Harris,  |
| Cooper,   | Fowler,      | Houston, |
| Davis,    | Getzendaner, | Jones,   |
| Evans,    | Gibbs,       | Kleberg. |

Martin,  
Matlock,  
Patton,  
Peacock,

Perry,  
Pfeuffer,  
Shannon,  
Stratton,

Terrell,  
Traylor.

NAYS—none.

Bill read third time and passed by the following vote:

YEAS—25.

Buchanan,  
Chesley,  
Cooper,  
Davis,  
Evans,  
Farrar,  
Fleming,  
Fowler,  
Getzendaner,

Gibbs,  
Gooch,  
Harris,  
Houston,  
Jones,  
Kleberg,  
Martin,  
Matlock,

Patton,  
Peacock,  
Perry,  
Pfeuffer,  
Shannon,  
Stratton,  
Terrell,  
Traylor.

NAYS—none.

Senator Terrell, chairman of Judiciary Committee No. 1, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, April 6, 1883.

Hon. Marion Martin, President of the Senate

Your Judiciary Committee No. 1, to whom was referred House substitute for Senate bill No. 157, being a bill to amend the game laws of the State, have considered the same, and instruct me to report it back with recommendation that it do pass.

Its object is to exempt certain counties from the operation of the game laws now in force.

All of which is respectfully submitted.

TERRELL, Chairman,

Bill read first time.

Senator Jones moved to suspend the regular order of business and take up substitute House bill No. 225, "An act to further provide for the regulation of railroad and transportation lines in the State of Texas, and to provide for the creation of the office of and appointment of a State engineer and his secretary, and their salaries and duties," etc.

Senator Martin moved to adjourn till 10 o'clock to-morrow.

Lost.

Senator Patton moved to postpone consideration of substitute House bill No. 225, the railroad bill, and make it the special order after morning call to-morrow.

Adopted.

Senator Traylor, chairman of Senate free conference committee, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, April 6, 1883.

Hon. Marion Martin, President of the Senate, and Hon. C. R. Gibson, Speaker of the House of Representatives:

Your committee of free conference, to whom was referred substitute House bill No. 521, entitled "An act to amend article 4402 of the Revised Civil Statutes of the State of Texas," to adjust the difference between the two houses upon the Senate amendment to said bill, have carefully considered the same, and recommend that the Senate recede from the Senate amendment.

All of which is respectfully submitted.

JOHN H. TRAYLOR,  
A. L. MATLOCK,  
Senate Committee.  
J. N. P. CRAMER,  
N. R. LINDSEY,  
House Committee.

On motion of Senator Traylor, the report of the committee was adopted.

Senator Patton moved to suspend the regular order of business and take up House bill No. 485, "An act for the relief of Alsey S. Miller, Milburn Harral and Mary A. Woods, widow of Gonzales Woods, deceased, survivors of the Dawson massacre, by granting to each one of them a certificate for twelve hundred and eighty acres of land."

Adopted, and bill taken up and read second time.

Senator Patton offered the following amendment.

Amend by adding to the bill:

SECTION —. The near approach of the close of the present session of the Legislature making it doubtful if this bill can pass in the ordinary course of legislation, creates an imperative public necessity for the suspension of "the constitutional rule requiring a bill to be read on three several days; and it is so suspended.

Adopted.

Senator Terrell offered the following amendment:

Insert "unappropriated" before "public domain."

Adopted, and bill passed to third reading.

Senator Gooch moved to suspend rules and place bill on its third reading.

The Senate refused to suspend by the following vote, it requiring a four-fifths vote to suspend rules.

YEAS—19.

Buchanan,  
Chesley,  
Cooper,  
Evans,  
Farrar,  
Fleming,  
Fowler,

Getzendaner,  
Gibbs,  
Gooch,  
Johnson of Collin,  
Jones,  
Kleberg,

Patton,  
Pfeuffer,  
Pope,  
Shannon,  
Terrell,  
Traylor.

NAYS—5.

Davis,  
Harris,

Martin,  
Matlock,

Perry.

On motion of Senator Gooch, Senate joint resolution No. 33, "Proposing an amendment to article 5 of the State Constitution, diminishing the number of terms of the county courts for criminal business," was taken up out of its regular order and read second time.

Senator Gooch offered the following substitute for section 29:

SEC. 29. The county court shall hold at least four terms for both civil and criminal business annually, as may be provided by the Legislature or by the commissioners' court of the county, under authority of law, and such other terms each year as may be fixed by the commissioners' court; provided, the commissioners' court of any county having fixed the times and number of terms of the county court, shall not change the same again until the expiration of one year. Said court may dispose of probate business either in term time or vacation, under such regulation as may be prescribed by law. Prosecutions may be commenced in said courts in such manner as is or may be provided by law, and a jury therein shall consist of six men. Until otherwise provided, the terms of the county court shall be held on the first Mondays in February, May, August and November, and may remain in session three weeks.

Adopted, and resolution ordered engrossed.

Senator Pfeuffer submitted the following report of conference committee:

COMMITTEE ROOM,  
AUSTIN, April 6, 1883.

Hon. Marion Martin, President of the Senate, and Hon. C. R. Gibson, Speaker of the House of Representatives:

Your committee on free conference to whom was referred the differences between the two Houses upon House bill No. 34, "An act to amend article 186 of the Penal Code, (known as the Sunday law)" have considered the same, and recommend that the Senate do recede from Senate amendments Nos. 1 and 2, and that the third amendment be amended to read: "The sale of newspapers, ice and milk, at any hour in the day, shall be permissible; provided further, that nothing in this title shall be construed to prevent the sending or receiving of telegraph messages.

B. F. FRYMIER,  
J. B. STRINGER,  
J. W. PATTERSON,  
House Committee.

B. GIBBS,  
JNO. YOUNG GOOCH,  
Senate Committee.

GEO. PFEUFFER.

I do not concur,

On motion of Senator Traylor, the report of the committee was adopted by the following vote:

## YEAS—16.

Buchanan,  
Cooper,  
Evans,  
Farrar,  
Fleming,  
Getzendaner,

Gooch,  
Harris,  
King,  
Martin,  
Matlock,

Peacock,  
Perry,  
Shannon,  
Terrell,  
Traylor.

## NAYS—8.

Chesley,  
Davis,  
Fowler,

Johnson of Collin,  
Jones,  
Kleberg,

Patton,  
Pfeuffer.

Senator Terrell assigns the following reasons for his vote on the adoption of the above report:

I vote "aye," though I again state that I am opposed to all Sunday laws. Since the present law is to be continued it should be uniform in its operation, and the committee report does permit acts which custom has made necessary to comfort, which were forbidden by former law.

TERRELL.

Senator Traylor moved to adjourn till 9 o'clock to-morrow morning.

Senator Martin moved to adjourn till 9:30 to-morrow morning.

Motion lost.

Senator Traylor's motion to adjourn till 9 o'clock was adopted, and the Senate adjourned.

## SEVENTY-SECOND DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, April 7, 1883.

Senate met pursuant to adjournment.

Lieutenant-Governor Martin in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

On motion of Senator Kleberg, the reading of yesterday's journal was dispensed with, and the same adopted.

Senator Harris moved to postpone the executive session, and proceed with the regular order of business.

Adopted.

Senator Chesley moved to suspend the regular order of business and take up House bill No. 151, a bill to amend the game law of the State.

Senate refused to suspend.

Senator Gooch moved to postpone substitute House bill No. 101, etc., "Amendment to the school law, raising the pay of teachers," etc.

Adopted, and bill taken up and made special order for Monday after morning call.

Senator Pfeuffer, chairman of conference committee, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, April 6, 1883.

Hon. Marion Martin, President of the Senate, and Hon. C. B. Gibson, Speaker of the House of Representatives:

Your conference committee, composed of members of the Senate and House of Representatives, appointed and selected to adjust the differences between the two houses of the Eighteenth Legislature, arising under the consideration of substitute for House bill No. 394, the same being the general appropriation bill, beg leave to report that they have met together as a conference committee, and find that certain changes in the verbiage of the bill are necessary, which, as a conference committee, your committee cannot correct; therefore your conference committee respectfully asks that it be granted free conference powers, and be constituted a free conference committee.

All of which is respectfully submitted.

GEO. PFEUFFER,  
JOHN C. BUCHANAN,  
A. W. HOUSTON,  
Senate Committee.  
W. F. UPTON,  
JOHN H. COCHRAN,  
J. P. AYRES,  
B. F. FRYMTER,  
WALTER ACKER,  
House Committee.

Senator Shannon moved that committee be granted free conference powers.

Adopted.

Substitute House bill No. 225, "An act to further provide for the regulation of railroads and transportation lines in the State of Texas, and to provide for the creation of the office of and appointment of a State engineer and his secretary, and their salaries and duties," etc., was taken up and read second time.

Senator Harris offered the following amendment:

Strike out "four dollars," and insert "two dollars," in line 5, section 2.

Senator Jones moved the previous question on the amendment of Senator Harris, and the engrossment of the bill.

Motion seconded, and main question ordered.

Senator Harris' amendment lost by the following vote:

## YEAS—4.

Farrar,  
Harris,

Johnson of Collin,

Traylor.

## NAYS—23.

Buchanan,  
Chesley,  
Davis,  
Evans,  
Fleming,  
Fowler,  
Getzendaner,  
Gibbs,

Gooch,  
Houston,  
Johnson of Shelby,  
Jones,  
King,  
Kleberg,  
Martin,  
Matlock,

Peacock,  
Perry,  
Pfeuffer,  
Pope,  
Shannon,  
Stratton,  
Terrell.

Bill passed to its third reading.

Senator Shannon moved to suspend the constitutional rule and place bill on its third reading.

Rule suspended by the following vote:

## YEAS—24.

Buchanan,  
Chesley,  
Davis,  
Evans,  
Farrar,  
Fleming,  
Fowler,  
Getzendaner,  
Gibbs,

Gooch,  
Houston,  
Johnson of Collin,  
Johnson of Shelby,  
Jones,  
Kleberg,  
Martin,  
Matlock,

Peacock,  
Perry,  
Pfeuffer,  
Pope,  
Shannon,  
Stratton,  
Terrell,  
Traylor.

## NAYS—1.

Harris.

Bill read third time.

Senator Harris offered the following amendment:

Strike out the first proviso in section 9.

Lost by the following vote:

## YEAS—3.

Harris,

Peacock,

Traylor.

## NAYS—25.

Buchanan,  
Chesley,  
Davis,  
Evans,  
Farrar,  
Fleming,  
Fowler,  
Getzendaner,  
Gibbs,

Gooch,  
Houston,  
Johnson of Collin,  
Johnson of Shelby,  
Jones,  
King,  
Kleberg,  
Martin,

Matlock,  
Patton,  
Perry,  
Pfeuffer,  
Pope,  
Shannon,  
Stratton,  
Terrell.

Substitute House bill No. 225 passed by the following vote:

## YEAS—27.

Buchanan,  
Chesley,  
Davis,  
Evans,  
Farrar,  
Fleming,  
Fowler,  
Getzendaner,  
Gibbs,

Gooch,  
Houston,  
Johnson of Collin,  
Johnson of Shelby,  
Jones,  
King,  
Kleberg,  
Martin,  
Matlock,

Patton,  
Peacock,  
Perry,  
Pfeuffer,  
Pope,  
Shannon,  
Stratton,  
Terrell,  
Traylor.

## NAYS—1.

Harris.